

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and)	
MONSANTO TECHNOLOGY, LLC,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO.
)	
ZEFERINO SAUCEDA,)	
)	
Defendant.)	

**PLAINTIFFS' FIRST SET OF INTERROGATORIES,
REQUEST FOR PRODUCTION, AND REQUESTS FOR ENTRY UPON LAND**

Plaintiffs Monsanto Company and Monsanto Technology LLC (hereinafter "Monsanto"), by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 33 and 34, propound to Defendant the following Interrogatories, Requests for Production of Documents, and Requests for Entry Upon Land.

DEFINITIONS

(a) As used herein, the terms "you," "your," and "yourself" mean Zeferino Saucedo and any person, agent or representative acting on your behalf or any company or partnership with which you are affiliated.

(b) As used herein, the term "FSA" refers to the Farm Services Agency of the United States Department of Agriculture (formerly known as the Agricultural Stabilization and Conservation Service).

INTERROGATORY NO. 1:

Identify each farm, field, or location that you planted with cotton during 2010 (**or that was planted on your behalf or with seed you provided**) by FSA Farm Number, FSA Tract Number and FSA Field Number, and provide the number of acres planted in each such farm, field or location; alternatively, if no FSA identifiers have been assigned to a farm, field or location planted with soybeans or cotton in 2010, identify each such farm, field or location by legal description, GPS coordinates, and provide directions sufficient to allow Monsanto's field inspection team to locate the acreage.

For Example:

Farm Service Agency Identifiers				
Farm #	Tract #	Field #	Field Name	Acres
6266	4024	1	McCoy Field #2	85.3
5881	139	3A	East of Sawmill Road	15

ANSWER:

INTERROGATORY NO. 2:

If you own or have an interest in land that was planted with cotton in 2010 and which you did not identify in response to Interrogatory No. 1, then identify the land by its FSA Farm Number, FSA Tract Number and FSA Field Number, and provide the number of acres planted in each such farm, field or location; alternatively, if no FSA identifiers have been assigned to the planted land, identify the land by legal description, GPS coordinates, and provide directions sufficient to allow Monsanto's field inspection team to locate the acreage.

ANSWER:

INTERROGATORY NO. 3:

Identify each location where you store cotton; and for each location, please provide directions sufficient to allow Monsanto to locate and sample each storage facility.

ANSWER:

INTERROGATORY NO. 4:

Identify each individual or entity to whom you transferred or sold cotton seed in 2009 or 2010; and for each individual or entity, please describe your relationship to the individual or entity, and provide the individual or entity's telephone number and address.

ANSWER:

REQUEST FOR PRODUCTION NO. 1:

Please provide a complete set of Farm Service Agency ("FSA") records including, but not limited to, Form 578 Farm Summary, Form 578 Producer Print with Farm and Tract Detail Listing and accompanying aerial maps for each farm planted with soybeans or cotton by you or on your behalf during the 2010 growing season. Alternatively, in lieu of producing the requested documents, this Request may be satisfied by executing and returning the Authorization attached as Exhibit A which allows counsel for Monsanto to collect the requested documents and forward copies to you.

RESPONSE:

REQUEST FOR ENTRY NO. 1:

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Monsanto requests entry upon each farm, field and location planted with cotton by you or on your behalf during the 2010 crop year for purposes of inspecting the fields and collecting samples.

Monsanto requests that it be allowed to sample during normal working hours within ten (10) days of service, or upon such other time as the Court may designate. Monsanto's inspection team normally samples approximately 500 acres per day depending on field location, layout and condition of the field. A copy of the sampling group's Standard Operating Procedure is attached hereto as Exhibit B.

RESPONSE:

REQUEST FOR ENTRY NO. 2:

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Monsanto requests entry upon each location, wherein you store cotton as identified in your Answer to Interrogatory No. 3.

Monsanto requests that it be allowed to sample during normal working hours within seven (7) days of service, or upon such other time as the Court may designate.

RESPONSE:

Respectfully submitted,

THOMPSON COBURN LLP

By /s/ Daniel C. Cox

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314-552-6000

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*Attorneys for Plaintiffs Monsanto Company and
Monsanto Technology LLC*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing will be personally served on the Defendant with Monsanto's Complaint.

Zeferino Saucedo
15412 FM 400
Slaton, TX 79364

/s/ Daniel C. Cox

EXHIBIT A

CONSENT TO INSPECT AND SAMPLE PROPERTY
AND TO RELEASE DOCUMENTS

(Privacy Act Request)

Requester: _____
(Grower's Name)

D/B/A; farm entity: _____

Requester's Current Address: _____

Date of Birth: _____

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000.00 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. § 552a(i)(3) by a fine of not more than \$5,000.00.

A. *Record Release:* I request that the following records be released:

1. All FSA records (including FSA 578, 1026A (if applicable), the USDA FSA Detailed Acreage History Report Form and aerial maps), all records from the Risk Management Agency of the USDA, all cleaning receipts/records, and all seed and agricultural chemical purchase receipts/records relating to the above-named requester or any entity by or through which he may farm for the years 2006 through 2008.

Pursuant to 5 U.S.C. § 552a(b), I further request, authorize and direct the U.S. Dept. of Agriculture to release any and all information relating to me, including the foregoing records, to the following: (a) Jarvis International Intelligence, Inc. and/ or their agents and representatives; (b) Thompson Coburn LLP and/ or their representatives.

I am voluntarily signing this consent, without promises being made to me, or any entity that I represent, nor under threat of duress or coercion.

NAME: _____

SIGNATURE: _____

DATE AND TIME: _____

WITNESS: _____

EXHIBIT B

**MID-SOUTH AG RESEARCH, INC.
Precision Sampling Division**

SOP Number 2.0

Revision Number 2

TITLE: GENERAL PROCEDURES FOR FIELD SAMPLING

Effective Date: 4-1-06

Approved By:

Don Harlan
Don Harlan, Ph. D

4-1-06
Date

1.0 PURPOSE

To establish general sampling procedures applicable to several crop situations. **2.0**

SCOPE

This Standard Operating Procedure describes some practices that are general to sampling fields for transgenic plants.

3.0 FIELD VERIFICATION

It is important to be able to verify that samples are taken from the correct field. It is recommended that the sampling team be directed to the field by a knowledgeable individual, then allowed to verify the field by use of FSA field maps along with natural landmarks. A reference point will be established for each field. The GPS coordinates of this point will be recorded on the Sample Form to verify the location of the field.

4.0 DETERMINING ACREAGE AND FIELD SHAPE

The acreage and shape from FSA maps will be used to determine the number of samples required to represent the field.

5.0 DETERMINING SAMPLING FREQUENCY

Standard sampling will target one sample per five acres. Fields up to 10 acres in size will be characterized by 2 samples. An extra sample will be taken for anything over 1 acre above the 5-acre units making up the field. Preliminary sampling utilizes a different sampling frequency and will be addressed in SOP 4.0.

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6.0 SAMPLING PATTERN

The pattern used to sample a field to a large part determines how representative the sample is of that particular field. Samples should be taken across the planting pattern. Fields that have been harvested, deep tilled, or planted to a rotation crop may require modification of the sample pattern to allow collection of samples where the seed or other viable plant materials may be found. The actual pattern to follow is left to the judgment of the Field Sampling Leader.

A sample number will be assigned at each sample point and the GPS coordinates of each sample will be recorded. This documents the exact location of each sample.

7.0 FIELD SAMPLE MAPPING

A GPS coordinate can be used to acquire field images from many sources which can then be used to produce a scale map of the field. The GPS coordinates of each sample will also be entered into a computer program, allowing the over-lay of the sampling points onto the field map. This final map can show each sampling point within the field and the results of the sample trait analysis.

8.0 DETERMINING PLANT POPULATIONS

Populations of crops planted in rows are best determined by counting crop plants in a definite length of row. The spacing between rows should be determined to allow calculations of plants per acre. Also, in soybeans some planting patterns have skips to allow for the tractor wheel tracks. These skips must be averaged into the width of each planter pass to accurately measure the plants/acre. Cotton may be planted in a skip row pattern. The length of row required to make an acre area can be determined by dividing 43,560 sq. ft/acre by the row spacing in feet. Thus, a field with 30 inch (2.5 ft) row spacings would require $43,560 / 2.5 = 17,424$ feet of row/acre. If it is found that 10 ft of row averages 66 plants, then the population can be determined by the following: $6.6 \text{ plants/ft of row} \times 17,424 \text{ ft of row} = 114,998 \text{ plants/acre}$.

Populations of crops planted in narrow rows or broadcast may be determined using a constant area device (round or square). The plants or plant stubble within the constant area are counted. The plant population is then calculated as a ratio based on the area counted.

Either method may be used with harvested fields. In harvested fields, avoid the combine tracks and areas covered with chaff discharged from the combine.

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Collect population data from areas representative of the field, avoiding low areas, row ends, and obvious problem areas. The number of counts per field will be a minimum of two, with additional samples for fields above 40 acres. Additional samples may also be needed for fields with widely varying counts between count areas. Use good scientific judgment to select the actual number of count areas.

Planting rate may be estimated from plant population counts. The population will probably be 20% lower than the planting rate. Also, since seed size varies among varieties, the number of seed/lb varies.

Soybean seed may range from 2500 to 3500 seed/lb for an average of 3000 seed/lb. If the variety and seed weight are not known, this average may be used to estimate planting rate. A sample calculation of soybean planting rate is as follows:

$$\text{Lb seed/a} = \text{plants per acre} / \text{seed per lb} \times \text{emergence}$$

$$\text{Lb seed/a} = \frac{114.998 \text{ plants per acre}}{\text{seed/lb} \times 0.8} = 48 \text{ lb of seed/a } 3,000$$

Cotton seed range from approximately 4000 to 5000 seed/lb for an average of 4500 seed/lb. The population will probably be 20% lower than the planting rate, except in portions of Texas where the normal seedling survival has been documented by the Texas Cooperative Extension Service at 66%. A sample calculation of cotton in Texas with a row spacing of 40 inches; an average of 2.4 plants/ft; 4500 seed/lb; and 66% seedling survival is as follows:

$$\frac{2.4 \text{ plants/ft} \times 13.081 \text{ row ft/a}}{\text{seed/lb} \times 0.66} = 10.6 \text{ lb/a } 4500$$